REMARKS

Claims 1-41 are currently pending. Claims 1-7 stand rejected. Claims 8-41 are allowed. The applicants request further examination and reconsideration in view of the remarks set forth below.

Information Disclosure Statement:

The Information Disclosure Statement filed on January 9, 2004, does not appear to have been considered by the examiner. A copy of the Information Disclosure Statement as found in the image file wrapper available on the USPTO's website is enclosed. Also enclosed is a copy of the postcard receipt showing that the Information Disclosure Statement was received in the mailroom of the U.S. Patent and Trademark Office on January 13, 2004. Therefore, the applicants respectfully request consideration of the Information Disclosure Statement filed on January 9, 2004.

Rejections under 35 U.S.C. § 102(a):

The examiner has rejected claims 1-7 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent Number 6,334,047 issued to Andersson et al. (hereinafter referred to as "Andersson"). In particular, regarding claim 1, the examiner stated that Andersson discloses a method for providing performance control of a transmitted signal. The examiner stated that Andersson teaches measuring a performance parameter of a received non-communication signal. In addition, the examiner also stated that Andersson teaches measuring a performance parameter of a loopback signal by teaching the measurement of "CIR (carrier-to-interference ratio) performance measurements of received loop signal for power control loop." Also, the examiner stated that Andersson teaches adjusting the power of the transmitted signal in response to the performance parameter of the received non-communication signal and in response to the performance parameter of the loopback signal.

The applicants respectfully traverse this rejection. The present invention as recited in claim 1 is directed towards a method for providing performance control of a transmitted signal. The method includes measuring a performance parameter of a received non-communication signal. The method also includes measuring a performance parameter of a loopback signal. In addition, the method includes adjusting the power of the transmitted signal in response to the performance parameter of the received non-communication signal and in response to the performance parameter of the loopback signal. The specification states that a loopback signal is "a retransmission of the first signal as received by the second station." Applicants' specification, page 2, lines 23-25. The transmitted signal as recited in claim 1 is the same as the first signal discussed in this portion of the specification. See applicants' specification, page 2, lines 8-9. Therefore, by reciting a loopback signal, claim 1 requires retransmission of the "transmitted signal" recited in claim 1 and adjusting the power of the transmitted signal in response to the performance parameter of this loopback signal.

An object of the invention of Andersson is to control the transmit power of a radio transceiver. Andersson, column 5, lines 42-45. The value of a signal parameter detected from a received signal is compared to a desired signal parameter value and a difference is determined. Andersson, column 5, lines 45-48. The received signal is received by a mobile station, a base station BS1 or a base station BS2. Andersson, column 8, lines 38-45. The detected signal parameter is a carrier-to-interference ratio (CIR) or signal-to-interference ratio (SIR) measurement of the received signal. Andersson, column 8, lines 39-42. A transmit power control command is sent to the radio transceiver to instruct an increase or decrease in the level of radio transmit power. Andersson, column 5, lines 48-50. According to Andersson, these transmit power control commands are sent very frequently. Anderson, column 8, lines 49-53. This type of power control is referred to by Andersson as fast, inner loop control. Andersson, column 8, lines 54-55. An optional, slow, outer control loop may also be employed. Anderson, column 8, lines 55-57.

Andersson discloses pilot signals, synchronization signals, broadcast signals, uplink signals, and downlink signals. Andersson, column 8, lines 10-13 and lines 63-65. However, none of these is a loopback signal. As explained above, the loopback signal employed by the present invention is a retransmission of the same signal (i.e. “as received”) by one station to another. The applicants’ claim 1 recites adjusting power of a transmitted signal in response to a performance parameter of a received non-communication signal and in response to a performance parameter of a loopback signal. Andersson does not suggest or disclose a loopback signal, nor does Andersson suggest or disclose use of a loopback signal in the manner recited in claim 1.

As stated in the Manual of Patent Examining Procedure (MPEP), "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. MPEP at section 2131 (Eighth Edition Rev. 2). The applicants respectfully submit that claim 1 is allowable at least because Andersson does not expressly or inherently describe all the elements recited in the claim. In particular, Andersson does not suggest or disclose a loopback signal or use of a loopback signal in the manner recited in claim 1. Thus, the applicants respectfully disagree with the examiner's assertion that Andersson teaches measuring a performance parameter of a loopback signal or adjusting power of the transmitted signal in response to the performance parameter of the loopback signal.

Moreover, an object of the invention of Andersson is to provide adaptive power control techniques with a minimal amount of control signaling overhead. Andersson, column 5, lines 39-41. The addition of a loopback signal would increase the signal overhead and, thus, would be contrary to the stated objective of Anderson. Therefore, there would not be a motivation to modify Andersson to include a loopback signal.

In view of the above, claim 1 is allowable. Claims 2-7 are allowable at least because they depend from claim 1.

The applicants respectfully submit that all of the pending claims are now allowable. Allowance at an early date would be greatly appreciated. Should any issues remain, the examiner is encouraged to telephone the undersigned at (408) 293-9000 to discuss the same so that any outstanding issues may be expeditiously resolved.

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